Hoffman Falls Wind Project

Case No. 23-00038

900-2.3 Exhibit 2

Overview and Public Involvement

Revision 1

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EXHIBIT 2 OVERVIEW AND PUBLIC INVOLVEMENT

(a) Brief Description of the Proposed Facility

The proposed Facility is a wind-powered electric generating project with a capacity of up to 100 megawatts (MW), located in the Towns of Fenner, Eaton, Nelson, and Smithfield, Madison County, New York. The regional Facility location is depicted on Figure 2-1. The Facility Site will be located on private land that is primarily rural in nature and will encompass approximately 3,897 acres, of which approximately 416 acres will be occupied by Facility infrastructure. Key terms used frequently in this application to describe the Hoffman Falls Wind Project are defined as follows:

- Project: Collectively refers to permitting, construction and operation of the Facility, as well as proposed environmental protection measures, and other efforts proposed by the Applicant.

- Facility Site: The parcels or portions of parcels proposed to host the Facility components and/or associated facilities.

- Facility: The Facility is proposed to include up to 24 wind turbines, as well as an associated underground medium voltage collection system, a permanent meteorological (MET) tower, an aircraft detection lighting system (ADLS), temporary construction laydown areas, a temporary concrete batch plant, a medium voltage-to-transmission voltage collection substation, a point of interconnection (POI) switchyard, a short 115- kilovolt (kV) gen-tie line that will connect the Facility to the high voltage electrical grid, gravel access roads, and an operations and maintenance (O&M) building. The Facility will interconnect to the New York power grid via a point of interconnection (POI) switching station that will connect to the existing Fenner-Cortland 115-kV transmission line, owned, and operated by National Grid.

(b) Brief Overall Analysis

As required by 19 New York Codes Rules and Regulations (NYCRR) §900-2.3(a), this section includes an overall analysis of the relevant and material facts established in this Siting Permit Application. Specifically, this section includes information and analyses from the supporting studies regarding the nature of the probable impacts of the construction and operation of the Facility on (a) ecology, air, ground and surface water, and wildlife and habitat, (b) public health and safety, (c) cultural, historic, and visual resources, (d) transportation, utilities and other infrastructure, and (e) compliance with local laws and ordinances. As detailed further below, this analysis supports the findings and determinations required of the Office that the Applicant has avoided, minimized and mitigated potential significant adverse environmental impacts from the Facility through careful Facility design and siting and application of the Uniform Standards and Conditions (USCs) set forth in the Section 94-c regulations (see, e.g., Exhibits 3, and 6 through 15). Furthermore, the Application supports a finding by the Office that the Facility is consistent with and advances the objectives of the Climate Leadership and Community Protection Act (CLCPA) (see Exhibits 6 and 17), provides environmental and socioeconomic benefits to the State and the host communities in which it is proposed (see Exhibits 6, 11-15, and 18),

and complies with local, state and federal laws, except where the Applicant has sought a waiver of local laws under Section 94-c (see Exhibits 24 and 25).

The parcels that are currently proposed to host the Facility (i.e., the Facility Site) represent multiple landowners who are willing and interested in participating in the Project, but only under specific circumstances that are compatible with landowner preferences. Parcels outside the Facility Site were not currently available for development; and therefore, it was not possible to shift Facility components to these areas, even if they would otherwise be suitable or allow for further avoidance or minimization of impacts. Landowners agreeing to host wind turbines typically have very specific requirements regarding where the wind infrastructure can and cannot be located on their land. Similarly, some landowners may be willing to host certain Facility components, but not wind turbines. Additionally, even if landowners are amenable to a shift in Facility components, such a change is often not possible given the setbacks and local zoning requirements established by the host municipalities, which reduce flexibility for Facility design shifts. Regardless, in some instances the Applicant has shifted Facility components during the iterative design process to avoid sensitive resources documented within the Facility Site, in addition to avoiding areas of forest and grassland habitat, wetlands and streams, and cultural resources, to the extent practicable. Therefore, the wind turbine layout as presented in this Application and as shown in the Design Drawings in Appendix 5-A is the culmination of an ongoing effort undertaken by the Applicant to avoid and minimize impacts to sensitive resources.

New York State policy and laws advocate for and require the development of renewable energy projects in order to significantly increase generating capacity from renewable sources, meet clean energy goals, and combat climate change (CLCPA, 2020) (see Exhibit 17). As described in detail below, the Facility has been designed to avoid and minimize impacts to sensitive resources, while also making a meaningful contribution (up to 100 MW) to renewable energy generation in New York and furthering well-established policy and legislative goals.

(a) Ecology, Air, Ground, and Surface Water, Wildlife and Habitat

(i) Ecology

Plant Communities

As described in Exhibit 11 (Terrestrial Ecology), the Applicant defined the boundaries of plant communities within the Facility Site within 100 feet of the proposed limits of disturbance by utilizing data collected in the field while conducting various ecological surveys (e.g., breeding bird survey, wintering raptor survey, and wetland and stream delineations), in addition to evaluating recent aerial imagery from the New York State (NYS) Digital Orthoimagery Program (from 2022). As determined through this evaluation, the Facility Site is largely comprised of rural agricultural land interspersed with forests. Plant communities found within the Facility Site are relatively common in New York State and based on consultation with the United States Fish and Wildlife

Service (USFWS) and the New York Natural Heritage Program (NYNHP), no federally listed plants, rare plants or significant natural communities were identified within the Facility Site. The following plant communities were identified and classified in the Facility Site using the definitions developed in Ecological Communities of New York State by Edinger et al. (2014):

- Active Agricultural Lands: approximately 39% (1,503.9 acres) of the Facility Site
- Forestland: approximately 36% (1,391.8 acres) of the Facility Site
- Successional Shrubland: approximately 4% (169.9 acres) of the Facility Site
- Developed/Disturbed: approximately 3% (105.1 acres) of the Facility Site
- Fallow Fields: approximately 7% (256.1 acres) of the Facility Site
- Open Water and Wetlands: 6% (239.2 acres) of the Facility Site.

Impacts to plant communities from construction and operation of the Facility are considered in the context of three types of impacts: the Limit of Disturbance (LOD), the Limit of Vegetation Management (LOVM), and the Limit of Impervious Surface (LOIS) (See Exhibit 11 [Terrestrial Ecology]). The LOD encompasses the anticipated outer bounds of where construction may occur for the Facility, including any necessary vegetation clearing and allows for room to work where components are installed. The LOVM represents all areas which will have maintained vegetation for the life of the Facility. The LOIS represents areas where the permanent loss of vegetation due to conversion to built facilities will occur. This includes wind turbine foundation pedestals and associated gravel rings, access roads, an O&M building and parking area, met tower foundation pedestals, the collector substation, and the POI switchyard.

Avoidance, minimization, and mitigation of impacts to vegetation associated with the above listed plant communities has been and will be accomplished primarily through careful site planning. As previously discussed above, all plant communities identified within the Facility Site are common to New York State; therefore, no impacts to unique or rare natural plant communities will result from Facility construction. In addition, as described and quantified above and in Section (b) (Impacts to Plant Communities) of Exhibit 11 (Terrestrial Ecology), the Facility Site is dominated by rural agriculture and forestland. The Facility will impact 205.8 acres of agricultural plant communities: 181.0 acres will be temporarily impacted and allowed to return to pre-existing agricultural communities, 8.6 acres will be converted to a different cover type (e.g., scrub shrub), and 16.3 acres will be converted to built facilities; see Exhibit 15 for a separate discussion of impacts to agricultural soils and land use. While there are approximately 1,272.9 acres of forested uplands within the Facility Site, the Facility will impact only 101 acres. This includes 59.7 acres will be allowed to revegetate, 35.0 acres will be converted to a different ecological cover type (e.g., scrub shrub), and only 6.3 acres will be converted to built facilities. Following construction, temporarily disturbed areas will be seeded (and stabilized with mulch and/or straw, if necessary) to reestablish

vegetative cover in these areas. See Exhibit 11 for further discussion on impacts to plant communities.

Approximately 101 acres of tree clearing in forested uplands will be required for construction and operation of Facility components to account for efficiencies with construction and design. Whenever possible, the Applicant sited Facility components to prioritize avoiding interior forests and wetlands. To the maximum practicable extent, facility access roads have been sited on active row crop and fallow fields and within existing roads and farm lanes to further minimize the need for tree and vegetation clearing.

For example, 11 of the 24 wind turbines have been largely sited in agricultural land to minimize tree and vegetation clearing in the surrounding area as shown in the Exhibit 5 (Design Drawings) Appendix 5-A. As further discussed in Exhibit 14 (Wetlands), Facility components (i.e., temporary laydown areas, access roads, collection lines) will result in unavoidable impacts to NYS-regulated wetlands and/or regulated adjacent areas. To protect adjacent undisturbed vegetation and other ecological resources, a comprehensive Erosion and Sediment Control plan will be developed and implemented prior to Facility construction (see the Stormwater Pollution Prevention Plan [SWPPP] in Appendix 13-C).

At the end of the Facility's life, the Applicant will remove Facility components and restore the land, as described in Exhibit 23 (Site Restoration and Decommissioning) consistent with 19 NYCRR § 900-6.6(a) requirements. Following completion of decommissioning and restoration, lands within the Facility Site are expected to return to preconstruction conditions. Additional information regarding impacts to plant communities and the Applicant's planned avoidance and minimization strategies are presented in Exhibit 11 (Terrestrial Ecology).

Wetlands

As described in Exhibit 14 (Wetlands) and the associated Wetland and Stream Delineation Report, the Applicant conducted field delineations of wetlands within a total of approximately 1,894.3 acres of rural land within the Facility Site (Wetland Study Area) between May and September 2023. Within the Wetland Study Area, the Applicant identified 156 wetlands totaling 161.75 acres. A functions and values assessment was performed for each wetland identified (see Appendix 14-C [Wetland Functional Assessment]).

The Applicant coordinated with ORES to conduct site visits to review the boundaries of delineated features in support of determining state jurisdictional status of the wetlands and streams within the Facility Site. As a result of this process and the associated consultations conducted in accordance with 19 NYCRR §900-1.3(e), a final jurisdictional

determination was issued by ORES on December 15, 2023, which identifies specific jurisdictional determinations for state-regulated wetlands (Appendix 14-B).

The Applicant has largely achieved an avoidance of impacts to state-regulated wetlands and adjacent areas through an iterative design process, which considered wetland boundaries at various stages of development. Specifically, many of the wind turbine locations, the location of the O&M facility, MET and ADLS towers, and temporary concrete batch plant have been designed to completely avoid state-regulated wetlands. Access roads, collection lines, overhead pole foundations, and HDD locations were shifted multiple times throughout the design process to avoid and minimize wetland impacts; however, a subset of these Facility components will result in unavoidable impacts to state-regulated wetlands and adjacent areas. Facility design includes the use of horizontal directional drilling in multiple locations to minimize ground disturbance to state-regulated wetlands to the maximum extent practicable. Impacts to state-regulated wetlands and surface waters are shown in Figure 14-2.

In addition, best management practices will be employed during construction to minimize impacts to the adjacent wetlands throughout the Facility Site including Section 94-c Uniform Standards and Conditions (USCs) 19 NYCRR §900-6.4(p) and §900-6.4(q). Impacts to state-regulated wetlands from the majority of Facility components have been avoided. However, the construction of the Facility is anticipated to result in both temporary and permanent impacts to wetlands and adjacent areas as further described in Exhibit 14 (Wetlands) and depicted in the Wetland and Stream Impact Drawings (Figure 14-2). Impacts to state-regulated wetlands will total approximately 1.36 acres. The Applicant will implement a variety of specific measures to minimize the proposed wetland impacts. Impacts to New York State Department of Environmental Conservation (NYSDEC) Regulated Adjacent Areas (RAA) will total approximately 18.17 acres. See Sections (e) and (f) and Table 14-1 and 14-2 in Exhibit 14 (Wetlands) for a full discussion of the avoidance and minimization measures to protect NYS-regulated wetlands.

(ii) Groundwater

Geology and Groundwater

The Applicant conducted a geotechnical investigation to obtain and review geotechnical data, identify geotechnical issues, and provide geotechnical recommendations for the proposed structures within the Facility Site. Based on geotechnical report findings, the Facility Site is generally suitable for the proposed development. The results of the investigation are summarized in the Preliminary Geotechnical Engineering Report (see Exhibit 10 [Geology, Seismology, and Soils], Appendix 10-B).

As further described in Exhibit 10 (Geology, Seismology and Soils), groundwater levels are not anticipated to be a major challenge for Facility construction. Groundwater levels encountered during the preliminary geotechnical investigation indicate there is potential for ground water to accumulate during turbine excavations, though the high clay content of the subgrade soil will generally limit groundwater infiltration. However, standard dewatering practices such as the utilization of sumps and pumps can be used to dewater as needed. At the substation boring location, groundwater was measured at a depth of greater than 10 feet below ground surface. However, it is important to note groundwater levels observed during borings may not be representative of long-term levels. Therefore, construction dewatering may be required for surface water control and for excavations that encounter perched groundwater conditions, groundwater, or seepage. If necessary, dewatering methods will be implemented and will involve pumping the water to a predetermined vegetated discharge point, away from wetlands, waterbodies, and other sensitive resources. The use of sumps and pumps is a common and economical method of dewatering and will be adequate given the conditions within the Facility Site. See Exhibit 13 (Water Resources and Aquatic Ecology), Section (a) for an additional discussion of groundwater on site and how water will be managed during construction.

(iii) Public and Private Wells

As described in Exhibit 13 (Water Resources and Aquatic Ecology), Freedom of Information Law request letters were sent to the New York State Department of Health (NYSDOH) on September 07, 2023, for the purpose of identifying existing groundwater wells within 1 mile of the Facility Site. The NYSDEC identified 78 community water sources located within 1 mile of the proposed Facility, 20 of which are located within 1,000 feet of the Facility Site and 4 of which are within the Facility Site. In addition, the Applicant sent private well surveys to all residences and businesses within 1,000 feet of the Facility Site. Based on the responses received, a total of 64 private wells within 1,000 feet of the Facility Site were identified (see Figures 13-1 [Groundwater Wells Offsets] and 13-2 [Groundwater Aquifers and Recharge Areas]). As shown in Figure 13-1 (Groundwater Aquifers and Recharge Areas), there are no known active residential/domestic water supply wells within 100 feet of any proposed collection lines or access roads. There are 11 NYSDEC water wells within 500 feet of collection line crossings that will be installed using trenchless technologies. HDD operations may be utilized for some of the proposed trenchless crossings (see Exhibit 5 [Design Drawings]). However, the exact installation method at each of these installations is not known at this time. Blasting activities may be required in some areas around wind turbine foundations where more competent bedrock below the weathered zone will need to be removed. There are no wells within 200 feet of wind turbine excavations and or within 1,000 feet of a wind turbine. The Applicant will adhere to the requirements of 19 NYCRR §900-6.4(n)(2) to conduct pre- and post-construction

testing of the potability of water wells on any non-participating properties within 500 feet of proposed HDD locations to monitor for potential impacts (e.g., inadvertent returns).

Thus, the geology of the Facility Site is suitable for the proposed development and no impacts to groundwater resources are expected from construction and operation of the proposed Facility.

(iv) Surface Water

The Applicant conducted field delineations of wetlands and streams within and adjacent to the Facility Site (Wetland Study Area) between May and November 2023. The Applicant identified 101 perennial, intermittent, and ephemeral streams totaling 41,159.1 linear feet. A final surface waters jurisdictional determination was issued by ORES on December 15, 2023, which identifies specific jurisdictional determinations for NYS-regulated streams (Appendix 13-D). A total of 23 delineated streams were identified in the jurisdictional determination as being regulated by the state.

The Applicant has achieved avoidance of impacts to federal and state regulated surface waters through an iterative design process, where practicable, which considered stream boundaries at various stages of development. As further discussed in Exhibit 13 (Water Resources and Aquatic Ecology) and shown in the Exhibit 5 Design Drawings in Appendix 5-A, Facility components have been sited in order to avoid impacts to surface waters. However, some crossings of state-regulated streams by Facility components (i.e., access roads) (see Table 13-4 in Exhibit 13) are proposed and will require mitigation. The Applicant's proposed mitigation projects are discussed in detail in the Stream Restoration and Mitigation Plan (Appendix 13-F). In accordance with §900-2.14(b)(7), Impacts to state-regulated wetlands and surface waters are shown in Figures 14-2 and 13-3, respectively.

To further avoid impacts to surface waters within the Facility Site during construction and operation of the Facility, the Applicant has prepared a SWPPP, appended to this Application (Appendix 13-C) in accordance with the State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP; GP-0-20-001). Implementation of best management practices outlined in the Facility's SWPPP (Appendix 13-C) and Spill Prevention, Control and Countermeasure Plan (Appendix 13-D) of this Application will further avoid or minimize impacts to surface water resources to the maximum extent practicable.

As further discussed in Exhibit 15 (Agricultural Resources), the Applicant consulted with the landowners of parcels that comprise the Facility Site to obtain specific information on the location of sub-surface drainage systems and utilized a dataset from the National Center for Atmospheric Research to supplement data from the landowner

surveys, to assess the potential for drainage systems within 5-miles of the Facility Site boundaries (5-mile Study Area). Figure 15-5 includes the locations of known or suspected surface and sub-surface agricultural drainage systems within the 5-mile Study Area. The Applicant has developed a Drainage Tile Remediation Plan (Appendix 15-C), to avoid, minimize, and remediate potential impacts to surface drainage systems and subsurface agricultural drainage features to ensure that farming drainage patterns are improved or maintained as a result of Facility construction.

(v) Wildlife and Habitat

The Applicant prepared a Wildlife Site Characterization (WSC) Report, in accordance with 19 NYCRR § 900-1.3(g)(1), summarizing existing public information on bird, bat, and other wildlife species at the proposed Facility Site and in the surrounding area (see Appendix 12-A). Information reviewed in the WSC Report suggests that the Facility Site includes a wildlife community dominated by relatively common species that are typically found in agricultural and forested habitats. The Applicant also conducted a Raptor Migration Survey, Breeding Bird Survey, Winter Raptor Survey, Marsh Bird Survey, and Forest Raptor Survey at the Facility Site (See Appendices 12-C, 12-D, 12-E, 12-F and 12-G).

In accordance with 19 NYCRR §900.1-3(g)(2), the Applicant participated in a meeting with ORES and NYSDEC staff on November 30, 2023, to discuss their preliminary estimates of occupied habitat. The Applicant subsequently provided additional information to ORES on December 13, 2023, in the form of a technical memorandum. On January 05, 2024, ORES issued its final Determination of Occupied Habitat, Incidental Take, and Net Conservation Benefit (Determination; see Appendix 12-H). As outlined in the Determination, ORES estimated that the Facility will adversely impact 74.98 acres of occupied grassland breeding habitat and 205.81 acres of occupied grassland wintering habitat for northern harrier, and 47.98 acres of occupied grassland wintering habitat for short-eared owl. In addition, ORES determined that the operation of the Facility will result in the incidental take of northern long-eared bats; therefore, the Applicant is required to provide a Net Conservation Benefit Plan for these species (see Appendix 12-I). See Exhibit 12 (NYS Threatened or Endangered Species) for more information regarding wildlife and wildlife habitat at the Facility Site.

Impacts to wildlife are expected to be minimal and not expected to have population-level effects on any single species that occurs in the Facility Site. Construction-related impacts to wildlife include incidental injury and mortality due to construction activity and vehicular movement. Minimal habitat disturbance/loss is anticipated with clearing and earth-moving activities, and displacement of wildlife may occur due to increased noise and human activity. However, none of these construction-related impacts will be significant enough to affect local populations of any resident or migratory wildlife species.

Impacts relating to Facility operation include direct habitat loss, habitat degradation, disturbance/displacement of wildlife due to the presence of the wind turbines and other equipment, and incidental avian and bat mortality as a result of collisions with operating wind turbines. With respect to wildlife habitat, no significant natural communities or critical habitats were identified within the Facility Site. A total of 33.4 acres of wildlife habitat will be converted to built facilities; however, this represents less than 1% of the 3,896.6-acre Facility Site. An additional 72.2 acres, including 35 acres of forest, will be cleared and permanently converted to successional communities (old field, shrubland, or saplings) for the life of the Facility by necessary Facility maintenance activities. Habitat conversion from forest to maintained successional communities may contribute to advancing NYSDEC's Young Forests Initiative, as outlined in the New York State Forest Action Plan, by replacing more mature forest with young forest, providing desirable early successional habitat for a variety of migrant songbirds, native gamebirds, and other wildlife (NYSDEC, 2020). Disturbance and displacement are not anticipated to result in significant impacts given that similar forestland and grassland habitats are available in the surrounding landscape for birds that may be displaced due to the Facility and the operation and maintenance of the Facility are expected to be comparable to other land uses within the Facility Site, including regular road traffic and agricultural practices. While wind turbines pose a collision risk for birds, wind energy facilities represent only a very small contribution of overall avian fatalities compared to other anthropogenic sources. Species of birds that may be at risk of collision at the Facility include primarily nocturnal migrant passerines. As there are no unique natural resource features that would concentrate avian flights in the area, significant effects associated with collision risk are not expected. In addition, species of bats that may be at risk of collision at the Facility include primarily the migratory tree-roosting bats. With minimization measures in effect at the Facility Site during peak periods of bat risk, in accordance with §900-6.4(o)(4)(v), significant adverse impacts to due to collision risk are not anticipated.

(b) Public Health and Safety

With proper siting, design, construction, and operation, wind facilities typically do not pose a risk of significant impacts to public health and safety; rather, wind facilities provide benefits to public health by reducing greenhouse gas (GHG) and wastewater emissions associated with conventional energy production. The Facility will be constructed in accordance with applicable health and safety standards and the Applicant is committed to develop and operate the Facility in a safe and environmentally responsible manner. Overall, the Facility will have numerous public health and safety benefits associated with reducing GHG emissions and providing the State and local community with socioeconomic benefits. (See Exhibit 18 [Socioeconomic Effects] and Exhibit 6 [Public Health, Safety and Security]).

The public health and environmental benefits of transitioning to renewable energy cannot be understated; those benefits have been a key driver of New York energy policy for decades and

were a central component of the CLCPA (NYSCAC, 2019). The State anticipates that the CLCPA's renewable energy generation targets will result in improved air quality and increased health benefits across the State. The Facility will contribute up to 100 MW of renewable energy generation, supporting the CLCPA objectives. Therefore, the Facility is not only consistent with New York State energy policy, but importantly, its clean energy contribution results in net positive public health outcomes for the state and region (See Exhibit 17 [Consistency with Energy Planning Objectives]).

Public health and safety concerns associated with construction of the Facility are primarily limited to common risks associated with commercial construction projects, such as increased noise levels during construction, increased traffic, and the potential release of construction-related contaminants into the environment. These common risks are generally not associated with significant impacts to public health and safety and will be avoided, minimized, and mitigated by the Applicant's adherence to the 94-c USCs. Once constructed, the presence of electrical equipment both within the turbines and at the collection substation carries some risk of an electrical hazard. However, generally, these systems have been tested and proven to operate safely, and these areas will have perimeter controls (i.e., security fencing, signage) as is required by local law and National Electrical Safety Code to prevent potential injury.

The Applicant prepared a Pre-Construction Sound Level Impact Assessment (Appendix 7-A) to assess the potential sound impacts from Facility construction and operation on neighboring residences and other sensitive receptors. As further discussed in Exhibit 7 (Noise and Vibration), adverse noise impacts will be avoided or minimized through careful siting of Facility components. Impacts related to construction noise will be temporary and most of the construction will occur at significant distances to sensitive receptors. Noise from most phases of construction is not expected to result in impacts to sensitive receptors.

As further described in Exhibit 6 (Public Health, Safety and Security), proper siting of the Facility, implementation of Site Security (Appendix 6-A) and Safety Response (Appendix 6-B) Plans, and adherence to health and safety standards all but eliminate the potential risks from these types of incidents. The Site Security Plan includes the following measures to be implemented during Facility operation: access controls, electronic security and surveillance facilities, security lighting, implementation of setbacks, and cyber security program. In addition, the Applicant's Safety Response Plan includes information regarding contingencies constituting an emergency, and identified measures for emergency response, evacuation, community notification, onsite equipment locations, fire emergencies, and includes information regarding training drills with local responders.

(c) Cultural, Historic, and Recreational Resources

Archaeological Resources

As described in Exhibit 9 (Cultural Resources), a Phase IA Archaeological Survey (Appendix 9-B) was developed and submitted to the New York State Historic Preservation Office (NYSHPO) (January 2023). The Phase IA report defines the Facility's area of potential effect (APE) for Direct Effects to archaeological resources and identifies if any previously documented archaeological resources occur within the APE for Direct Effects. To identify potential archaeological sites within the Facility Site, the Applicant completed the Phase IB Archaeological Survey (Appendix 9-E) in accordance with the approved Phase IA archaeological survey and research design. The archaeological survey was conducted in a series of site visits and mobilizations between October 2021 and December 2023, concurrent with evolving Facility design.

The Phase IB archaeological survey identified a total of 18 archaeological resources consisting of 10 sites and eight isolates. The eight isolates and one of the archaeological sites were not eligible for inclusion in the State and/or National Registers of Historic Places. No avoidance or additional archaeological work is recommended for these sites as they will not provide important information about the past or address significant historical/archaeological research questions. The remaining nine archaeological sites are considered unevaluated for inclusion in the State/National Register of Historic Places (S/NRHP). These sites appear to retain the integrity necessary to potentially yield important information about local and regional history. EDR recommends avoidance of these resources, or Phase II investigations if avoidance is not possible.

In an effort to avoid impacts to unevaluated archaeological resources, the Applicant has moved, modified, or eliminated several Facility components. As detailed in the Archaeological Avoidance Plan submitted to NYSHPO on January 26, 2024 (Appendix 9-F), none of the archaeological resources recommended by EDR for avoidance will be impacted by significant ground disturbance. The mapped locations of all potentially significant (i.e., unevaluated for the S/NRHP) or archaeological sites within approximately 100 feet of proposed Facility-related impacts are to be identified as "Environmentally Sensitive Areas" or similar on Facility construction maps and marked in the field by construction fencing with signs that restrict access. The Applicant will continue to consult with the NYSHPO to ensure that recommended avoidance measures meet the expectations of the NYSHPO. The Applicant submitted the Phase IB Archaeological Survey Report to the NYSHPO on December 13, 2023; a Phase IB Archaeological Survey Addendum Memorandum was submitted to the NYSHPO on December 22, 2023 (see Exhibit 9 [Cultural Resources], Appendix 9-A [Cultural Resources Studies Correspondence Summary]).

In the event that unanticipated archaeological resources are encountered during construction, the Facility's Unanticipated Discovery Protocol (Appendix 9-F) includes provisions to stop all work and notify New York State Department of Public Service (NYSDPS) in the vicinity of the

archaeological finds until those resources can be evaluated and documented by an archaeologist. With the adoption of these measures, and based on continued consultation with the NYSHPO, the proposed Hoffman Falls Wind Project is not anticipated to impact significant archaeological resources.

Historic Resources

In accordance with the requirements of 19 NYCRR §900-2.10(b), the Applicant has engaged in ongoing consultation with the NYSHPO and has completed historic resources studies for the Facility. The Applicant conducted a systematic program of public outreach to assist in the identification of visually sensitive resources, including historic properties potentially eligible for listing for the S/NRHP (see Appendix 8-A). Outreach included town and village historians in addition to other stakeholders relevant to historic properties (town supervisors, mayors, business owners, etc.). As a part of the historic resources survey, EDR contacted local historians and historical societies seeking input regarding the identification of historic resources with historic or architectural significance located within the Historic Resources Study Area and APE for Visual Effects. Outreach included telephone and email conversations on November 1 through December 12, 2023. A summary of contact and outcomes is provided in the Historic Resources Survey (Appendix 9-D).

The Historic Resources Survey Report (Appendix 9-D) describes the potential impacts on historic resources located within the APE for Visual Effects, including potential visual and auditory impacts of the Facility. The Applicant reviewed the CRIS website maintained by the NYSHPO to identify significant historic buildings, resources and/or districts located within the Historic Resources Study Area (the area within five miles of the Facility Site boundary) and APE (the area where the Facility may result in visual or auditory impacts) for Visual Effects for the Facility. There is one National Historic Landmark, 17 properties listed on the S/NRHP, 18 resources previously determined by NYSHPO to be S/NRHP-eligible, and 41 historic resources for which S/NRHP eligibility has not been formally determined.

Construction of the Facility will not require the demolition or physical alteration of any historic resources. No direct physical impacts to historic resources listed in or determined eligible for the S/NRHP will occur as a result of construction of the Facility. Therefore, the Facility is not anticipated to have any direct impacts to historic properties.

The Facility's potential effect on a given historic resource would be a change (resulting from the introduction of wind turbines) in the resource's setting. Relative to historic properties, the potential visual effect of the Facility is limited to the overall effect on the traditional agricultural landscape that serves as the setting for historic properties in the region. The introduction of modern interventions such as wind turbines and associated infrastructure will alter the historic character of the visual setting. The Applicant will continue consultation with the NYSHPO to assist in the NYSHPO's assessment of potential Facility impacts to aboveground historic properties. In accordance with section 900-10.2(g) of the 94-c regulations, the Applicant will

complete a Cultural Resources Avoidance Minimization and Mitigation Plan (CRAMMP) as part of the Pre-Construction Compliance Filings.

Based on the analysis contained in Exhibit 7 (Noise and Vibration) of this Application, potential noise and/or vibrations caused by the operation of the proposed Facility are not expected to significantly alter the character or setting of S/NRHP-listed and eligible historic properties within the APE. Vibrations are not anticipated to impact any S/NRHP-listed or eligible properties and noise-related impacts are anticipated to be relatively minimal, due in large part to the Facility's siting in remote rural areas away from areas of higher historic and modern population density. Therefore, there will be no permanent noise-related adverse impacts to S/NRHP-listed or eligible properties associated with operation of the Facility.

In accordance with 19 NYCRR §900-10.2(g), the Applicant will complete CRAMMP as part of the Pre-Construction Compliance Filings.

Visual Effects

The Applicant prepared a Visual Impact Assessment (VIA; Appendix 8-A) that describes the extent and significance of Facility visibility. The VIA includes an identification of visually sensitive resources, viewshed mapping, results of field review, visual simulations (photographic overlays), and proposed visual impact mitigation. The Facility will introduce new visible elements (e.g., wind turbines) into the existing landscape. However, the visibility and visual impact of the Facility will be highly variable based on distance, number of turbines in view, weather conditions, extent of visual screening from topography and vegetation, scenic quality, viewer sensitivity and/or existing land uses.

In addition, a Visual Impacts Minimization and Mitigation Plan (VIMMP) is included with this Application as Appendix 8-B. The VIMMP includes, among other information, a Shadow Flicker Analysis Report (Appendix 8-B, Attachment A) and lighting plans and cut sheets for the Facility (Attachment B). The following minimization and mitigation measures are described in the VIMMP (Appendix 8-B): Screening/Landscaping, Facility Lighting, Federal Aviation Administration (FAA) Aviation Hazard Lighting, Prohibit Advertising/Minimize Signage, Underground Electrical Collection System, and Non-specular Conductor and Non-reflective Finishes.

The Shadow Flicker Analysis Report includes an analysis of non-participating year-round residences that are predicted to have shadow flicker at their property. The analysis includes a full year of hourly potential receptor-specific predicted shadow flicker based on sunshine probabilities, site-specific wind speed and direction data, and facility design. See Exhibit 8 and Attachment A of the VIMMP (Appendix 8-B) for a more detailed discussion of the Shadow Flicker Analysis Results.

(d) Transportation, Communication, Utilities, and Other Infrastructure

(i) Transportation

The Applicant prepared Traffic Control Plans and Sight Distance Analyses (see Appendices 16-A and 16-B) which identify and characterize anticipated haul routes, documents existing conditions of public roads, estimates the vehicular trips generated by the construction and operations of the Facility, and identifies potential impacts of the associated traffic. Virtually all the traffic-related impacts associated with the Facility will occur during the site preparation and construction phase when there will be a temporary increase in vehicle traffic on area roadways. Once the Facility is commissioned and construction activities are concluded, traffic associated with Facility operation will be negligible and limited to occasional trips associated with routine maintenance activities. Some mitigation measures for traffic or transportation impacts are proposed at this time due to the assumed speed limits on the county roads throughout the site. See Exhibit 16 for a discussion and explanation of proposed mitigation measures. No permanent capacity improvements (e.g., lighting or signage to control traffic volume) are projected to be required to accommodate the operation of the Facility as traffic volume is not expected to significantly increase. Lastly, it is anticipated that a total of seven temporary roadway intersection improvements (i.e., widening of the paved roadway and clearance of above ground obstructions such as utility poles or trees) will be required to accommodate construction deliveries and other vehicles. Please see Exhibit 16 (Effect on Transportation) and Appendix 16-A (Traffic Control Plan) for additional information on the Applicant's assessment of potential transportation impacts, and the Applicant's Civil Design Drawings (Exhibit 5-A) for the locations of all proposed improvements.

(ii) Communication

The Applicant sent an initial written notification of the proposed Facility to the National Telecommunications and Information Administration (NTIA) on August 29, 2023, seeking feedback on possible impacts of the Facility on federal communication systems. The NTIA provided plans for the proposed Facility to the federal agencies represented in the Interdepartmental Radio Advisory Committee, which include the National Oceanic and Atmospheric Administration, among other agencies. The NTIA's response, dated November 06, 2023, did not identify any concerns regarding radio frequency blockage as a result of the Facility. In addition, the Applicant has submitted a request for Determinations of No Hazard from the FAA pursuant to 49 USC § 44718. Upon receipt of the request, the FAA must reach out to the U.S. Department of Defense and other agencies to determine the potential impact of the wind turbines on air safety and military readiness. The Applicant has not yet received determinations from the FAA but will continue to coordinate with the FAA and provide copies of determinations to ORES upon receipt.

(iii) Utilities and Other Infrastructure

The Applicant has consulted with and will continue consulting with owners of overhead and underground utilities within the Facility Site. As a result of such consultations and independent assessments, the Applicant has identified and mapped existing overhead and underground major facilities for electric, gas and telecommunications within 5-miles of the Facility Site (see Figure 3-4). As detailed in Exhibit 20 (Effects on Communications), the Applicant has not yet initiated negotiations for communication interconnection (for the Facility. The Applicant notes that business grade broadband internet service is available near and adjacent to the Facility Site to any customer with a property interest at that location. No upgrades to the system are required to provide this service. According to the NYSDEC Division of Mineral Resources Oil and Gas Database, no NYSDEC-regulated wells are located within the Facility Site. In addition, the Applicant contracted Westwood Professional Services, Inc. to conduct a Magnetometer survey to further assess the potential for oil and gas wells within the Facility Site. The Magnetometer Survey Memorandum is provided as Appendix 3-B and the results of the survey are presented in Section (u) of Exhibit 3 (Location of Facilities and Surrounding Land Use). As discussed in Exhibit 3, the magnetometer survey identified three locations (anomalies) within the Facility Site two of these anomalies were identified as the remains of structures by the applicable landowners and one anomaly was identified as a potential oil and gas well (see Appendix 3-B).

The Applicant will construct the Facility to avoid interference with existing above ground systems within the Facility Site by installing collection lines underground to the extent practicable. Known underground utility locations will be marked prior to construction in these areas to avoid any impact to existing infrastructure. The Applicant will also become a member of dig safely and contact all pipeline operations within the Facility Site, and landowners within the zone of safe siting clearance, consistent with 19 NYCRR § 900-6.4(f) and (g) requirements to further minimize potential impacts to underground facilities during construction. Thus, impacts to existing utilities and infrastructure are not anticipated as a result of construction and operation of the proposed Facility.

(e) Compliance with Local, State, and Federal Laws and Regulations

Generally, the Applicant has designed the Facility to comply with substantive requirements of local law. However, the Applicant is requesting waivers of certain sections of local laws. Exhibit 24 (Local Laws and Ordinances) sets forth in detail the justification for why the burden imposed on the Facility by the substantive provision of local law is unreasonably burdensome in view of existing technology or feasibility of Facility implementation, and the needs of or the costs to consumers.

(c) Applicant's Preapplication Public Involvement Program

The Applicant initiated outreach and coordination during very early-stage development efforts for the Hoffman Falls Wind Project within the Towns of Eaton, Fenner, Nelson, and Smithfield communities beginning in late 2020 and through 2021. This early outreach involved attending town board meetings, consulting with landowners, and establishing a collaborative partnership with faculty, staff, and students at the Agricultural and Clean Energy Technology (ACET) Center at the State University of New York at Morrisville (SUNY Morrisville) located in the nearby Village of Morrisville, New York. Additionally, the Applicant hosted two public open house events on July 13 and 15, 2021, where the Liberty Renewables development team and regional subject matter experts welcomed approximately 100 area-residents between the two events, sharing preliminary information on the status and intent of the proposed Project. Overall, the primary goals of these initial outreach efforts were to establish broad community awareness of the Hoffman Falls Wind Project; to provide an opportunity for landowners to participate in the Project review process and supply valuable development feedback; and to demonstrate the team's responsiveness to resident questions and concerns.

The Applicant continued a robust schedule of community engagement efforts in 2022 and through the pre-application process in 2023 and early 2024, maintaining a detailed Stakeholder Engagement Log to document all consultations and meetings (see Appendix 2-A). At the time of application submittal, the Applicant has attended mor than 20 town board meetings and has met individually with town supervisors, board members, county representatives, resident groups, and other relevant stakeholders on multiple occasions.

During the pre-application process, the Applicant held meetings with local officials in the Towns of Fenner, Nelson, Smithfield, and Eaton to discuss the proposed Project in further detail. Specifically, in September and October 2023, the Applicant presented detailed information and provided printed materials about the Project during public Town Board meetings and in separate meetings with Town Supervisors, Code Enforcement Officers, Town Attorneys, and other representatives (see Appendix 2-A). The Applicant provided copies of the Facility Site's preliminary design and turbine viewshed, several draft visual simulations, and a write-up on the 94-c permitting process. Further, the Applicant provided a comprehensive analysis of all the potentially applicable local ordinances, laws, resolutions, regulations, standards, and other requirements of a substantive nature required for the construction or operation of the proposed Facility, as well as an overview of the Facility's compliance with the substantive provisions and what laws, if any, the Applicant might seek to waive under Section 94-c. The Applicant requested each Town review the list and confirm that there were no other applicable laws and that substantive requirements had been identified (see Appendix 2-B). The Applicant was able to address several questions and concerns from officials and residents about the Project during these meetings. Detailed meeting notes were then compiled into a follow-up letter that the Applicant shared with Town Supervisors on November 6, 2023, in order to relay additional details and respond to common questions that were raised about the Project (see Appendix 2-B).

The Applicant has also engaged in ongoing consultations with local emergency responders and school districts and has documented correspondence with these entities in the Stakeholder Engagement Log

(Appendix 2-A) and the Local Agency Consultation and Outreach Correspondence (Appendix 2-B); see Exhibit 6 for a discussion of consultation and outreach efforts with local emergency responders and school districts. Initial consultation with town officials with regard to developing a Road Use Agreement (RUA) was also begun during the pre-application period. The Applicant delivered a draft RUA to Town Supervisors during Town Board meetings during the week of December 11, 2023, and provided digital copies via email; see Exhibit 16.

In addition to the meetings described above, the Applicant conducted an open-house style community meeting on October 19, 2023, at Nichols Pond County Park in Canastota, NY. Notice for the event was published on the Project's website and in local newspapers, including the Syracuse Post-Standard, Oneida Dispatch, Hi, Neighbor! Pennysaver, Cazenovia Republican, and Utica Observer-Dispatch. Notification letters were also mailed to all residents and stakeholders located within five (5) miles of the proposed Facility Site, ORES, and the applicable local officials no sooner than 30 days and no later than 14 days prior to the meeting in accordance with the publication requirements of 19 NYCRR §900-1.3(b). The Open House was well-attended, with over 60 members of the public coming to learn more about the Project. Attendees were able to view posters with information on a range of pertinent topics. This included but is not limited to a description of Liberty Renewables Inc. and the Hoffman Falls Wind Project, educational information on the Section 94-c process and timeline, environmental studies completed and in progress, information on sound and shadow flicker considerations, preliminary visual simulations, and information on potential community benefits, including host community benefit and PILOT payments. The Applicant collected names and contact information from individuals and solicited feedback via comment cards and through conversation.

All pre-application meetings were held more than 60 days prior to the Applicant's anticipated application filing date. In addition to the Open House, the Applicant maintains a Project-specific website (https://liberty-renewables.com/hoffmanfallswind/) and point-of-contact email address (sbiggar@liberty-renewables.com and mlee@liberty-renewables.com) for stakeholders and other interested parties to communicate questions or comments. The Applicant has made efforts to respond directly to all substantive inquiries and comments submitted to the Facility contact (by email, telephone, or mail).

The Applicant also reached out to the host communities to ensure that the Facility complies with local laws to the maximum extent practicable and that any local concerns were addressed. The key items or concerns raised during these outreach efforts are summarized as follows:

- Potential impacts from sound: As described in Exhibit 7, the Applicant has prepared a Pre-Construction Sound Level Impact Assessment to estimate the predicted sound levels anticipated as a result of Facility construction and operation and any mitigation efforts associated with sound impacts.
- Potential impacts to wildlife: As described in Exhibit 12, the Applicant has prepared several avian and ecological studies. The Applicant has continued coordination with the appropriate agencies to address wildlife concerns through studies, avoidance, and mitigation efforts.
- Potential impacts to water resources and wetlands: As described in Exhibit 13 and Exhibit 14, the Applicant has continued consultation with ORES and performed studies and

outreach to identify water resources and wetlands and to address any concerns. Additionally, the Applicant has developed a Stream Restoration and Mitigation Plan (see Appendix 13-F) and a Wetland Restoration and Mitigation Plan (see Appendix 14-D) to offset any impacts to these resources.

- Land use concerns: the Applicant has coordinated directly with landowners participating in the Project to ensure that minimal changes occur to the surrounding land use and character. See Exhibits 13, 14, and 15 for additional details regarding how impacts were avoided and/or minimized to the greatest extent practicable throughout Facility design with regards to stream, wetland, and agricultural resources, respectively.
- Visual impacts: The Applicant conducted multiple outreach efforts to the local community and other visual stakeholders to identify viewsheds of concern and provide the information needed to assess the potential visual impact of the Facility (see Exhibit 8).
- Public health and safety concerns: As described in Exhibit 6, wind energy facilities do not generally pose many risks to human health and safety. The Applicant is committed to implementing site security measures such as fencing around the collection substation and POI switchyard, wind turbine setbacks, staff training, health and safety procedures, as well as working closely with local emergency responders.

REFERENCES

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